

No. 1246-3Lab-78/1232.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Rawal Industries (P) Ltd., Bahadurgarh.

BEFORE SHRIMOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 81 of 1977

between

SHRI ASHOK KUMAR, WORKMAN AND THE MANAGEMENT OF M/S RAWAL
INDUSTRIES (P) LTD., BAHADURGARH

AWARD

By order No. ID/RK/71-B-77/27214, dated 21st July, 1977, the Governor of Haryana referred the following dispute between the management of M/s Rawal Industries (P) Ltd., Bahadurgarh and its workman Shri Ashok Kumar to this court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ashok Kumar was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court on 2nd December, 1977, in response to the usual notices of reference sent to them.

The management brought on record written withdrawal of the demand served by the workman concerned on the management leading to the reference allegedly under the signatures of the workman and prayed for return of no-dispute award. Shri Dhan Singh, authorised representative of the workman concerned, was under the circumstances directed to arrange for production of the workman concerned on 16th January, 1978, the next date of hearing fixed in the reference for admission or denial of the written withdrawal produced by the management purporting to be under the signatures of the workman.

Shri Dhan Singh made a statement before me on 16th January, 1978, that the workman did not come in the Court to put in his appearance in response to a letter written to him in accordance with the direction of the Court. Shri Gursharan Singh, partner of the management concerned, on the other hand made a statement that the workman concerned signed the written withdrawal Ex. M-1 in his presence while receiving Rs. 52.15 in satisfaction of the demand.

The non-appearance of the workman concerned for verification of the correctness or otherwise of the written withdrawal Ex. M-1, despite direction to his authorised representative made in this connection, obviously supported the plea of the management, that he agreed to withdraw the demand,—vide writing Ex. M-1 in consideration of a sum of Rs. 52.15 received by him in cash. I accordingly held while placing full reliance on the statement of Shri Gursharan Singh, partner of the management concerned, that the demand of the workman leading to this reference has been fully satisfied and there is now no dispute between the parties requiring adjudication. I return the award while answering the reference in these terms.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated the 19th January, 1978.

No. 265, dated 27th January, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 8th February, 1978

No. 646-3Lab-78/1242.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Deputy Labour Commissioner and Arbitrator in respect of the dispute between the workmen and the management of M/s Gedore Tools (India) Ltd., Nerela Road, Kundli (Sonapat).

BEFORE SHRI R. J. AMBWANI, DEPUTY LABOUR COMMISSIONER, HARYANA
AND ARBITRATOR

In the matter of Industrial Dispute of Shri Bhanu Ram, son of Shri Nanak Ram

versus

M/s Gedore Tools (India) Ltd., Nerela Road, Kundli (Sonapat).

Present.—

Shri S. N. Solanki along with Shri Bhanu Ram workman.

Shri K. D. Bakshi, Executive Officer for the management.

AWARD

The arbitration agreement arrived at between M/s Gedore Tools (India) Ltd., Kundli and workmen of Gedore Tools (India) Ltd., Kundli, dated 28th September, 1977 was published in the *Haryana Government Gazette*, — vide reference No. ID/RK/77/46646—52, dated 24th October, 1977. In which the following dispute was referred to the undersigned for Arbitration :—

“Whether the termination of services of Shri Bhanu Ram is justified ? If not, to what relief he is entitled.”

As per terms of the arbitration agreement the undersigned had to make an award within a period of 45 days or within such further time which is extended by both the parties by mutual agreement. Both the parties had extended the Arbitration period upto 15th January, 1978 in writing.

The usual notices were issued to both the parties fixing the date of hearing on 5th January, 1978 where the management, was represented by Shri K. D. Bakshi, Executive Officer while the workman was represented by Shri S. N. Solanki and written statements were filed by both the parties. Both the parties filed rejoinders on 6th January, 1978. On pleadings of the parties the following issues were framed :—

1. Whether the principals of natural justice have been violated and the enquiry is vitiated for that reason ? (O.P.A.).
2. If issue No. 1 is decided against the management whether the termination of service of Shri Bhanu Ram is justified and in order ? If not, what relief is he entitled ? (O.P.R.).

At this stage the workers representative expressed his fears that it may be difficult to complete the procedure by recording evidence within the period of Arbitration which expired on 15th January, 1978. They also did not agree to extend the period of arbitration beyond 15th January, 1978, although the management was prepared for the extension of the time. After discussions between the parties it was submitted by both the parties that they have not to produce any further evidence and the matter may be decided by the Arbitrator after hearing both the parties irrespective of issues. The next date was fixed for 15th January, 1978.

The undersigned has heard both the parties and I have gone through the written statements and rejoinders filed by the parties and I am of the opinion that it will meet the ends of justice if compensation is granted to Shri Bhanu Ram in lieu of reinstatement.

Accordingly, I award the compensation of Rs 8,250 (Rupees eight thousands, two hundred and fifty only) against his claim of reinstatement which is fair and equitable to both the parties. The amount shall be paid within one week.

Announced in the presence of both the parties today, i.e., 15th January, 1978.

Dated, the 15th January, 1978.

R. J. AMBWANI,
Deputy Labour Commissioner, Haryana
and Arbitrator.

The 10th February, 1978

No. 1435-3Lab-78/1284.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Kamni Upaskar Pvt. Ltd., Mathura, road Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 139 of 1975

between

THE WORKMAN AND THE MANAGEMENT OF M/S. KAMNI UPASKAR PRIVATE
LIMITED, MATHURA ROAD, FARIDABAD

Present.—

Shri Darshan Singh for the workman.

Shri S. L. Gupta for the management.

AWARD

By order No. ID/FD/75/58712, dated 4th September, 1975, the Governor of Haryana, referred the following disputes between the management of M/s. Kamni Upaskar Private Limited, Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (i) Whether the workmen are entitled to the grant of dearness allowance ? If so, with what details ?
- (ii) Whether the workmen are entitled to payment of bonus at higher rate than 8.33 per cent for the year 1974 ? If so, with what details ?

On receipt of the order of reference, notices were given to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my learned predecessor on 21st April, 1976 :—

- (1) Whether Industrial Workers Union had a *locus standi* to raise the demand leading to this reference ?
- (2) Whether the reference is bad in law for want of direct demand on the management ?
- (3) Whether Shri S. L. Gupta and H. L. Kapoor and R. Gogna have no *locus standi* to appear for the management ?

The parties led their evidence on these issues and closed their case. Issue No. 1 was decided in favour of the workmen and issue No. 2 was decided against the management. Issue No. 3 was decided in favour of the management and then the case was fixed for further proceedings. On 1st July, 1977, the following issues were also framed on merits :—

- (1) Whether the workmen are entitled to the grant of dearness allowance ? If so, with what details ?
- (2) Whether the workmen are entitled to payment of bonus at higher rate than 8.33 per cent for the year 1974 ? If so, with what details ?

The case was fixed for the evidence of the workmen. Four adjournments were granted to the workmen for adducing their evidence. On the last date of hearing the representative for the workmen appeared and stated that he did not want to pursue the dispute and withdraws from the dispute. The management did not object. I, therefore, give my award as follows :—

- (1) That the workmen are not entitled to the grant of dearness allowance. No details are necessary.
- (2) The workmen are not entitled to payment of bonus at a rate higher than 8.33 per cent for the year 1974. No details are necessary.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad,

Dated, the 31st January, 1978.

No. 99 dated the 1st February, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated, the 1st February, 1978.